

REMARKS

Claim 27 has been amended to correct a clerical error. Claims 20, 27-29 and 35-38 have been amended to clarify the invention, and to better define the invention over the prior art. More particularly, each of the independent claims has been amended to clarify that the collection step or collection mechanism involves internal collection. No new matter has been entered by any of the foregoing amendments.

Turning to the art rejections, and considering first the rejection of claims 20-34 under 35 USC §102 (b) as being anticipated by US Patent No. 5,404,580 to Simpson et al, independent claim 20, as amended requires, in part: “an internal collection mechanism for communicating with said mobile communication terminal to collect information from said mobile communication terminal relating to an internal state of said mobile communication terminal during execution of a communication protocol sequence.” Simpson teaches, an external collection mechanism, namely a keypad: “data can be altered at will by the user through menu options on the screen and through the keypad.” [Col. 6, Lines 64-66].

An internal collection mechanism, by definition, is an internally located device that is capable of collection. This is distinct from a keypad, which is an external device that facilitates the process of inputting information into an electronic or computerized device by a user. See page 14 of Applicant’s specification where an embodiment of the invention specifies an internal information collection unit 303 and an external interface 307 (i.e. a keypad) as two separate devices. Therefore, because Simpson teaches a using a keypad, which is an external device and not an internal collection mechanism, as claim 20 requires, Simpson cannot be said to anticipate claim 20.

Independent claim 27, as amended, similarly requires an internal acquisition mechanism. See page 17, line 16 of the instant specification in which an embodiment of

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an internal acquisition mechanism is discussed, wherein “UIMF 202 acquires internal state information 706.” The UIMF is a device located within the CPU 201 (FIG. 5) and is therefore an internal device. Therefore, because claim 27 requires an internal acquisition mechanism and Simpson only teaches using an external device, claim 27 cannot be said to be anticipated by Simpson.

Similar comments apply to independent 28, as amended, which also specifies an internal acquisition mechanism, and to independent claim 29, which specifies the step of internally acquiring. As noted supra, Simpson teaches an external collection mechanism, namely a keyboard. Thus, claims 28 and 29 cannot be said to be anticipated by Simpson.

Claims 21-26, and 30-34 depend directly or indirectly on independent claims 20 or 29, as the case may be, and are allowable over Simpson for the same reasons above adduced relative to claims 20 and 27, as well as for their own additional limitations.

Turning to the rejection of claims 35-38 under 35 USC §103(a) as being unpatentable over US Patent No. 5,404,580 to Simpson et al in view of US Patent No. 6,697,604 to Rimpelä et al., independent claim 35, as amended, requires, in part, “an internal collection mechanism for communicating with said mobile communication terminal.” Independent claims 36 and 37, as amended, both require, in part, “an internal acquisition mechanism for acquiring information from said mobile communication terminal.” Finally, independent claim 38 requires, in part, “internally acquiring, from said mobile communication terminal, information...” As noted supra, Simpson teaches altering data using an external mechanism, namely a keypad. The secondary reference Rimpelä et al. does not supply the missing teachings to suggest to one skilled in the art to modify Simpson et al. in a manner that would achieve Applicant’s claims. Rimpelä et al. teaches a method for testing the function of mobile cellular phones (Abstract), much like Applicant’s

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admitted prior art. However, nowhere does Rimpelä et al. teach an internal collection and storage mechanism that stores internal state information as required by Applicant's claims. Thus, no combination of Simpson et al. and Rimpelä et al. would achieve render obvious any of claims 35-38.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,

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